

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
JAMES J. YURCEK, M.D. : FINAL DECISION AND ORDER
LICENSEE. : FOR REMEDIAL EDUCATION

0006110

Division of Legal Services and Compliance Case No. 18 MED 061

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

James J. Yurcek, M.D.
1246 Park Rd.
Lancaster, WI 53813

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708- 8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Licensee James J. Yurcek, M.D. (DOB: November 6, 1956), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 49804-20, first issued on October 4, 2006 with registration current through October 31, 2019. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1246 Park Road, Lancaster, Wisconsin 53813.

2. At all times pertinent to this matter, Licensee practiced surgery, and had clinical privileges at a hospital in Boscobel, Wisconsin (the Hospital).

3. On April 6, 2016, Patient A (a male born in 1977) presented to Licensee for consultation of neck masses. Licensee examined Patient A and discovered multiple soft tissue masses in the left lower region of Patient A's neck.

4. Licensee recommended that Patient A undergo surgery to remove the masses.

5. On June 8, 2016, Licensee performed surgery to remove the masses.

6. Prior to performing surgery on Patient A, Licensee did not recommend or order further diagnostic studies of the masses.

7. The surgically excised masses were sent to the pathology lab and were identified as adipose tissue with benign lymph nodes, Schwannoma, and mature adipose tissue consistent with lipoma.

8. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. Within six (6) months of the date of this Order, James J. Yurcek, M.D. shall at Licensee's own expense take and successfully complete a minimum of six (6) hours of education in diagnosis and management of non-thyroid neck masses as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course from the Board or its designee. Licensee must take and pass any exam offered for the course.
- b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.

3. Requests for course approval and proof of successful course completion may be mailed, faxed, or emailed to:

Department Monitor

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

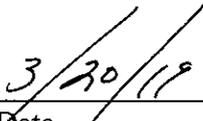
You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

4. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board


Date

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FEB 13 2019

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

DEPT OF SAFETY & PROFESSIONAL SERVICES
DIVISION OF LEGAL SERVICES AND COMPLIANCE

IN THE MATTER OF THE LICENSE OF :
: STIPULATION
JAMES J. YURCEK, M.D. :
: LICENSEE. :
: 0006110

Division of Legal Services and Compliance Case No. 18 MED 061

Licensee James J. Yurcek, M.D. and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Licensee consents to the resolution of this investigation by Stipulation.
2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Licensee, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
 - the right to confront and cross-examine the witnesses against Licensee;
 - the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
 - the right to testify on Licensee's own behalf;
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
 - the right to petition for rehearing; and
 - all other applicable rights afforded to Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

Stipulation
In the matter of the license of
James J. Yurcek, M.D., Case No. 18 MED 061

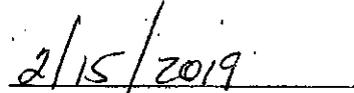
not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

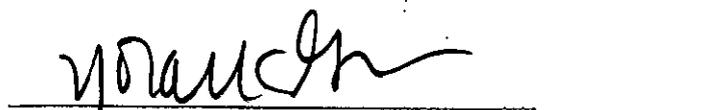
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order for Remedial Education.

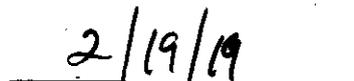
7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.


James J. Yurcek, M.D., Licensee
1246 Park Rd.
Lancaster, WI 53813
License No. 49804-20


Date


Yolanda McGowan, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190


Date